

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KAZI MANAGEMENT	:	Civil Action No. 4:20-cv-00924
SAINT CROIX, LLC and ZUBAIR	:	
KAZI,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
SANTIAGO GARCIA GUTIERREZ,	:	JURY TRIAL DEMANDED
UNIVERSAL INVESTMENTS &	:	
TRADING, LLC, and UNITED FUEL	:	
SUPPLY SA, LLC, and JOHN DOE,	:	
Defendants		

**PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES AND COSTS OF SERVICE**

NOW COMES, Plaintiffs, Kazi Management St. Croix, LLC and Zubair Kazi, by and through their counsel, Forest Dean Morgan, Esquire and the Morgan Law Firm who files this Motion for Attorney's Fees and Cost of Service and, in support of, avers as follows:

1. On March 13, 2020, Plaintiffs filed a Complaint in the above-referenced matter.
2. Defendant's Garcia, Universal Investments & Trading, LLC and United Fuel Supply SA, LLC (hereinafter collectively "the named Defendants") were properly served with Notice pursuant to the Federal Rules of Civil Procedure and Order of this Court.
3. The named Defendants failed to plead or defend and a Default was entered on September 8, 2020.

4. Plaintiff's alleged Defendants engaged in a course of fraudulent conduct including, Misrepresentation, Conspiracy, and Real Estate Fraud resulting of a loss of over \$2.7 million.
5. Real Estate Fraud is codified in Texas under *Tex. Bus. & Com. §27.01*.
6. Pursuant to *Section 27.01(e)*, Any person who violates the provisions of this section shall be liable to the person defrauded for reasonable and necessary attorney's fees, expert witness fees, costs for copies of depositions, and costs of court.
7. As a result of the fraudulent conduct of the named Defendants, as fully set forth in the complaint, Plaintiffs were forced to incur Attorney's fees in the amount of \$13,600 as set forth on the statement attached hereto and incorporated herein as

Exhibit 1.

**MOTION FOR COSTS OF SERVICE
PURSUANT TO F.R.C.P. 4(d)(2)**

8. On March 13, 2020, Plaintiffs requested Defendants Santiago Garcia Gutierrez (GARCIA), Universal Investments & Trading, LLC (UIT), and United Fuel Supply SA, LLC (UFS SA) waive service of a summons by fully complying with F.R.C.P. 4(d) via first class mail delivered as follows:
 - a. To multiple addresses believed to be the home or possible home of Santiago Garcia Gutierrez.
 - b. To the registered agent of Universal Investments & Trading, LLC
 - c. To the office of United Fuel Supply SA, LLC and to the home address of the Registered Agent, Santiago Garcia Gutierrez.
9. No named Defendants waived service.
10. On April 28, 2020, Plaintiffs requested issuance of a summons.

11. On April 29, 2020, Summons were issued as to Garcia, UIT, and UFS SA.
12. Plaintiffs attempted service at the last known and registered addresses of the Summons and Complaint in Houston and Los Angeles via process servers.
13. On, June 16, 2020, after the process servers were unable to serve the named business entities, Plaintiffs Filed a motion for, and received, the Court's permission to substitute service of the business entities through the Secretaries of State of Texas and California.
14. On June 16, 2020, after the process servers were unable to serve Santiago Garcia Gutierrez, Plaintiffs Filed a motion for, and received, the Court's permission to substitute service by publication in Houston and Los Angeles.
15. Proof of service for all named Defendants is attached hereto, incorporated herein, and marked as **Exhibit 2**.

Costs of Service

16. As a result of Plaintiff's failure to waive service pursuant to Rule 4(d)(2) of the Federal Rules of Civil Procedure, Plaintiffs incurred fees as set forth in **Exhibit 2**.
17. Pursuant to Rule 4(d)(2), Plaintiff's submit they are entitled to the recovery of six thousand, five hundred seventy-nine dollars and forty-two cents (\$6,579.42).

WHEREFORE, for all the foregoing reasons Plaintiffs respectfully request this Court grant this motion and enter an Order:

- A. Awarding Attorney's Fees to Plaintiff in the amount of thirteen thousand six hundred dollars (\$13,600.00).
- B. Awarding Costs to Plaintiff in the amount of six thousand, five hundred seventy-nine dollars and forty-two cents (\$6,579.42).

THE MORGAN LAW FIRM

/s/ Forest Dean Morgan
Forest Dean Morgan, Esquire
PA Bar # 203088
The Morgan Law Firm
151 W. Chocolate Ave, Suite 145
PO Box 767
Hershey, PA 17033-0767
Tel: 717-220-4300
Fax: 717-585-6574
dean@fdeanmorgan.com

Exhibit 1



PO BOX 767, HERSEY, PA 17033
TEL: (717) 220-4300 / FAX (717) 585-6574

September 15, 2020

Kazi Management Saint Croix, LLC
330 Strand Street
Frederiksted, VI 00840

Re: *Kazi v. Gutierrez, UIT, UFS SA, et. al.*

LITIGATION BUDGET AND PAYMENT SUMMARY
THIS IS NOT A BILL

	PHASE	ESTIMATED HOURS	FIXED FEES	PAYMENTS / AMOUNT
1	Case Investigation	25.00	5000.00	Jan. 2, 2020 / \$2500 Feb. 1, 2020 / \$2500
On-Site Requirement (Billed @ Daily Rate)				
2	Case Initiation ➤ Complaint ➤ (Answer) ➤ Motions & Responses ➤ Hearing Preparation	35.00	7000.00	March 1, 2020 / \$5100 ¹ April 1, 2020 / \$1166 May 1, 2020 / \$1166 June 1, 2020 / \$1167
TOTAL PAID TO DATE				<i>13,600</i>

On Site Daily Rate: \$1200.00 per day

Travel: At Cost.

I declare this document is a true and accurate summary of Attorney Fees in the above-referenced matter.

9/17/2020
DATE

F. DEAN MORGAN, ESQUIRE

09/17/2020
DATE

SHAMBHU ACHARYA
Managing Director/ CFO

¹ Includes "Daily Rate" & Travel Costs for Trip to Los Angeles to meet with Government Officers and CEO.

Exhibit 2



PO BOX 767, HERSEY, PA 17033
TEL: (717) 220-4300 / FAX (717) 585-6574

JULY 10, 2020

Kazi Foods of New Jersey, Inc.
Kazi Management
134 W. Chocolate Ave
Hershey, PA 17033

**INVOICE
KAZI V. GARCIA EXPENSES:**

➤ Attempted Service of Process Texas:	\$381.10
○ Houston City Servers, LLC	
➤ Attempted Service of Process California:	\$ 75.00
○ Los Angeles Process Servers, LLC	
➤ Service of Process (United Fuel Supply SA)	\$55.00
○ Texas Secretary of State	
➤ Service of Process (Universal Investments & Trading)	\$100.00
○ California Secretary of State	
➤ Service of Process By Publication - Houston:	\$4490.32
○ Houston Chronicle	
➤ Service of Process By Publication – Los Angeles	\$1478.00
○ Los Angeles Times	

TOTAL NOW DUE:

Please make check payable to:
The Morgan Law Firm
Box 767
Hershey, PA 17033

\$6579.42

Tax ID # is: [REDACTED]

6/3/2020

ServeManager

Houston City Servers, L.L.C. ** PROFESSIONAL BUSINESS EXECUTIVE CIVIL
 PROCESS SERVICE**
 2800 Post Oak Blvd. Suite 4100
 Houston, TX 77056

INVOICE: 4508685
 Issued: May 1, 2020
 Sent to: Dean Morgan

The
 Morgan
 Law
 Firm
 Dean
 Morgan

PAY TO:
 Houston City Servers, L.L.C. ** PROFESSIONAL BUSINESS EXECUTIVE CIVIL PROCESS SERVICE**
 2800 Post Oak Blvd. Suite 4100
 Houston, TX 77056

Case: 4:20-cv-00924	Plaintiff / Petitioner: Kazi Management
Job: 4508685 (KMX-St Croix)	Defendant / Respondent: Santiago Garcia Gutierrez

Item	Description	Cost	Quantity	Total
PROCESS SERVICE ROUTINE	Santiago Garcia Gutierrez [REDACTED] [REDACTED]	\$165.00	1	\$165.00
NOTARY SERVICE	NOTARIZED AFFIDAVIT	\$10.00	1	\$10.00
PROCESSING FEE	CREDIT CARD PROCESSING FEE	\$5.25	1	\$5.25
ADMINISTRATIVE FEE	PRINTING FEE (50 pages)	\$25.00	1	\$25.00
PROCESSING FEE	CREDIT CARD PROCESSING FEE	\$0.75	1	\$0.75
INVESTIGATION SERVICES	SKIP-TRACE	\$75.00	1	\$75.00
PROCESSING FEE	CREDIT CARD PROCESSING FEE	\$5.10	1	\$5.10
PROCESS SERVICE	2nd ADDRESS TBD	\$95.00	1	\$95.00

Payment	Description	Amount Paid
May 2, 2020	[REDACTED] Paid Online Payment ID: ch_1GeR5pE1xuoPOKXJUL8wTS9M	(\$175.10)
May 1, 2020	[REDACTED] Paid Online Payment ID: ch_1Ge6GpE1xuoPOKXJFZxr2mPL	(\$25.75)
May 1, 2020	[REDACTED] Paid Online Payment ID: ch_1Ge4QKE1xuoPOKXJa0K5WRZy	(\$180.25)

Thanks for your business. Please pay the "Balance Due" upon receipt.

Total: \$381.10
 Amount Paid: (\$381.10)
 Balance Due: \$0.00

Houston City Servers, L.L.C. ** PROFESSIONAL BUSINESS EXECUTIVE CIVIL PROCESS SERVICE** • 2800 Post Oak Blvd. Suite 4100, Houston, TX 77056

Call: 832-390-2276 • Fax: 832-390-2350 • Email: angelique6915@att.net • Visit: www.houstoncityservers.com

\$ 381.10
1/1

INVOICE

L.A. Process Servers

Paid

Sarah Thompson
 1327 N. June St.
 Los Angeles, CA 90028
 United States

Phone: 323-508-1711
 laprocessservers@hotmail.com

Invoice #: 4632
 Invoice Date: May 7, 2020
 Reference: 4:20-CV-00924
 Universal
 Investments
 Due date: May 7, 2020

Amount due:
\$0.00

Bill To:

The Morgan Law Firm
 F. Dean Morgan
 151 W. Chocolate Ave., Ste. 145
 Hershey, PA 17033
 United States

Dean@fdeanmorgan.com

Description	Quantity	Price	Amount
Routine Service Universal Investments & Trading, LLC 38000 Barham Blvd., #402 Los Angeles, CA 90068 Bad address 5/05/20 at 2:26 pm	1	\$65.00	\$65.00
Notarization	1	\$10.00	\$10.00
		Subtotal	\$75.00
		Total	\$75.00
		Amount paid	-\$75.00
		Amount due	\$0.00 USD

Notes

Thank you for your business.

\$75.00



The State of Texas
Secretary of State

2020-317990-1

I, the undersigned, as Secretary of State of the State of Texas, DO HEREBY CERTIFY
that according to the records of this office, a copy of the Summons in a Civil Action in the
cause styled:

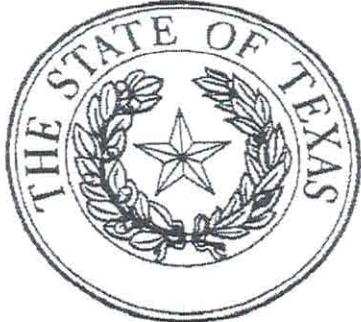
Kazi Management St. Croix LLC and Zubair Kazi VS Santiago Garcia Gutierrez,
Universal Investment and Trading LLC United Fuel Supply LLC and John DOE
United States District Court Southern District Of Texas
Cause No: 420CV00924

was received by this office on June 16, 2020, and that a copy was forwarded on June 22,
2020, by CERTIFIED MAIL, return receipt requested to:

United Fuel Supply SA LLC
C/O Santiago Garcia Gutierrez Registered Agent
1111 Caroline Street, Apt 2903
Houston, TX 77010

The RETURN RECEIPT was received in this office dated June 24, 2020, bearing
signature.

Date issued: June 26, 2020




Ruth R. Hughes
Secretary of State
GP/vm

Friday, July 10, 2020 at 15:23:01 Eastern Daylight Time

Subject: Your receipt for payment to Capital Process
Date: Thursday, July 2, 2020 at 10:57:50 AM Eastern Daylight Time
From: PayPal
To: F. Dean Morgan



Thanks for using PayPal, Dean Morgan

Create a PayPal account in just a few seconds so every checkout is a snap!



Payment details

For your purchase on July 2, 2020

Details

Secretary of State Service	\$100.00 USD
Subtotal	\$100.00 USD
Total	\$100.00 USD

**Hearst Newspapers, LLC
DBA Houston Chronicle
Payment Receipt**

Tuesday, July 7, 2020

Transaction Type:	Payment	Customer Type:	Commercial
Order Number:	0074036923	Account Number:	20030002
Payment Method:	Credit Card	Phone Number:	7172204300
Credit Card Number:	***** 	Company / Individual:	Company
Credit Card Expire Date:	7/28/2024	Customer Name:	THE MORGAN LAW FIRM
Payment Amount:	4,490.32	Customer Address:	151 CHOCOLATE AV, SUITE 145 PO BOX 767 HERSHEY, PA 17033 USA
Reference Number:	229103	Check Number:	
Charge to Company:	Houston Chronicle	Routing Number:	
Category:	Classified		
Credit to Transaction Number:	P15594		
Invoice Text:	THE MORGAN LAW FIRM PAID RECEIPT 34056923		
Invoice Notes:	7/8, 7/15, 7/22 & 7/29		

4490.32

6/29/2020

Print receipt : 7704466

ORDER NUMBER: 7704466

PURCHASE DATE: 06/29/2020
 PACKAGE NAME: Los Angeles Times - Legal: Legal-Summons

ITEM	DESCRIPTION	SIZE	PRINT DATES	ADDITIONAL
Los Angeles Times	Section: Legal Zone(s): Full Run Line(s): 112 Color: No	Two-column	Dates: Wednesday, July 01, 2020 Sunday, July 12, 2020 Sunday, July 19, 2020 Sunday, July 26, 2020	



Section:
Legal Notices
Summons

Dates:
07/01/2020, Wed - 07/26/2020, Sun

Total

\$1,478.00

* INVOICE NOTES

Kazi v. Garcia, SDTX

PURCHASE INFORMATION

Name: Forest Morgan
 Card Type: Visa
 Card Number: 
 Your credit card will be billed as The Los Angeles Times Media Group

\$1478

Order Information

Order Date: 6/29/2020

Gross price: \$1,478.00

Los Angeles Times – Legal:

Publication: Los Angeles Times

Section: Legal

AdSize: 2 Column

Lines: 112

Run Date(s): Wednesday, July 1, 2020 | Sunday, July 12, 2020 | Sunday, July 19, 2020 | Sunday, July 26, 2020

Color: No

Los Angeles Times

Preview:

**SUMMONS
(CITACION JUDICIAL)**
Case Number (Numero del Caso):
04:20-CV-00924

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Santiago Garcia Gutierrez; Universal Investments & Trading, LLC; United Fuel Supply SA, LLC

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTA DEMANDANDO EL DEMANDANTE):**
Kazi Management Saint Croix, LLC

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web Site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DIAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su